



Loudoun County, Virginia

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Office of the County Administrator

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At a public hearing of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Monday, February 7, 2011 at 6:00 p.m.

IN RE: PROPOSED AMENDMENTS TO CHAPTER 1602 OF THE CODIFIED
ORDINANCES OF LOUDOUN COUNTY, FIRE PREVENTION CODE

Mr. Burton moved that the Board of Supervisors suspend the rules.

Seconded by Mr. Delgaudio.


Voting on the Motion: Supervisors Buckley, Burk, Burton, Delgaudio, Kurtz, McGimsey, Miller, Waters, and York – Yes; None – No.

Mr. Burton moved that the Board of Supervisors adopt the amendment to Chapter 1602 of the Loudoun County Codified Ordinances pertaining to the Fire Prevention Code, which includes changes to the operational permit fees, as summarized in Attachment 1.

Seconded by Mr. Delgaudio.

Voting on the Motion: Supervisors Buckley, Burk, Burton, Delgaudio, Kurtz, McGimsey, Miller, Waters, and York – Yes; None – No.

COPY TESTE:



DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(1 – Proposed Amendments to Chapter 1602 of the Codified Ordinances of Loudoun County, Fire Prevention Code)

CODIFIED ORDINANCES OF LOUDOUN COUNTY
PART SIXTEEN – FIRE PREVENTION AND COMPLIANCE
FIRE MARSHAL'S OFFICE
CHAPTER 1602

Adoption of State Law and Local Amendments

1602.01 ADOPTION OF SECTION 27-94 *et seq.* (Statewide Fire Prevention Code) of Code of Virginia.

The Virginia Statewide Fire Prevention Code as set forth in Section 27-94 *et seq.* of the *Code of Virginia* shall be enforced in the County. Except as specifically modified by this Chapter, all the provisions and requirements of the Statewide Fire Prevention Code, are hereby adopted, mutatis mutandis, and made part of this Chapter as if fully set forth and shall be known as the Loudoun County Fire Prevention Code. No person within the County shall violate or fail, neglect or refuse to comply with any provision of the Loudoun County Fire Prevention Code and in no event shall the penalty imposed for the violation of any provision or requirement adopted herein exceed the penalty imposed for a similar offense under such Section 27-94 *et seq.* of the Code of Virginia of 1950, as amended

1602.02 ENFORCEMENT; APPOINTMENT OF FIRE MARSHAL

There shall be appointed by the Board of Supervisors in and for the County a Fire Marshal, who shall be responsible for the enforcement of this Chapter. The duties of such Fire Marshal shall include investigation into the origin and cause of every fire and explosion occurring within the limits for which he/she is appointed. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs and environmental crimes shall be the responsibility of the fire marshal, his/her designee and legal counsel. As used herein, the terms "Fire Official", "Enforcing Agency" and "Code Official" shall refer to the Fire Marshal for the purposes of this chapter. The Fire Marshal and his/her office shall be a part of the Department of Fire Rescue and Emergency Management.

1602.02.01 POWERS; OFFICE OF THE FIRE MARSHAL

- (a) The Fire Marshal and all duly appointed assistants shall be authorized to order immediate compliance with the provisions of this Chapter and to exercise all powers authorized hereunder.

(b) In addition to such other duties as may be prescribed by law, the local fire marshal and those assistants appointed pursuant to Section §27-36 of the Code of Virginia designated by the fire marshal shall have the same police powers as a sheriff, police officer or law-enforcement officer to include the authority to arrest, to procure and serve warrants of arrest and search warrants, and to issue summons in the investigation and prosecution of all offenses, and related offenses, involving the violation of fire prevention and fire safety laws and related ordinances, hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, possession and manufacture of explosive devices, substances and fire bombs.

(c) The police powers granted in this section shall not be exercised by the Fire Marshal or any assistant until such person has satisfactorily completed a course for Fire Marshals with police powers, which course shall be approved by the Virginia Fire Services Board. In addition, the Fire Marshal and those assistants with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs, which courses shall be approved by the Virginia Fire Services Board. The Fire Marshal and his assistants, before entering upon their duties, shall respectively take an oath, pursuant to *Code of Virginia*, Title 27-37.

1602.03 ENFORCEMENT PROCEDURES; AUTHORITY

The enforcement procedures of this Chapter shall be instituted by the Fire Marshal and administered in accordance with this chapter.

1602.04 ADMINISTRATION

The Fire Marshal shall establish such procedures or requirements as may be necessary for the administration and enforcement of this Chapter.

1602.05 VIOLATIONS

It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of the Loudoun County Fire Prevention Code, to violate any provisions thereof. Any such violation shall constitute a Class 1 misdemeanor and any owner, or any other person, firm, or corporation convicted of such violation shall be subject to punishments set forth in Chapter 202.08(b) of the Codified Ordinances of Loudoun County.

1602.06 LOCAL BOARD OF FIRE PREVENTION CODE APPEALS

The Loudoun County Building Code and Appeals Board shall be designated as the Appeals Board to hear grievances arising from the application of the Loudoun County Fire Prevention Code.

1602.07 SMOKE DETECTORS IN CERTAIN BUILDINGS

In accordance with the authorities specified in Section 15.2-922 of the Code of Virginia, smoke detectors shall be installed in the following structures or buildings:

- (a) Any building containing one or more dwelling units,
- (b) Any hotel or motel regularly used or offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and,
- (c) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

1602.07.01 Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. Smoke detectors shall be either battery operated or AC powered units. The owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant. The owner of any unit which is rented or leased shall be obligated to service, repair or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement.

1602.07.02 Article not exempt from compliance with code

Nothing in this article shall excuse any owner for the required buildings from compliance with all other applicable provision of the Virginia Uniform Statewide Building Code in Chapter 14 of the County of Loudoun Codified Ordinances pertaining to buildings and building regulations.

1602.08 RESERVED

1602.09 RESERVED

1602.10 **RESERVED**

1602.11 AMENDMENTS.

The following sections of the Statewide Fire Prevention Code are hereby amended as follows: (Editors note: The Loudoun County Fire Prevention Code hereby deletes, modifies or amends the sections of the SFPC as set forth below. Refer to the SFPC for original language).

Chapter 1
Administration

F-107.2 Fire Prevention Code Operational Permits may be required by the Fire Marshal as permitted under the Statewide Fire Prevention Code. The application process and issuance of permits is in accordance with the Loudoun County Fire Marshal's Fire Prevention Operational Permit Fee Schedule.

All permits issued under this Chapter requiring the payment of a fee, shall be issued by the Fire Marshal or his designated agent.

FIRE PREVENTION OPERATIONAL PERMIT FEE SCHEDULE

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	Yes	\$75 90	<u>2801.2</u>
Amusement buildings. An operational permit is required to operate a special amusement building.	Yes	\$75 90	<u>Table 107.2</u>
Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	Yes	\$75 90	<u>1101.3</u>
Carnivals and fairs. An operational permit is required to conduct a carnival or fair.	Yes	\$75 90	<u>Table 107.2</u>
Battery systems. An operational permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).	Yes	\$75 90	<u>Table 107.2</u>
Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	Yes	\$75 90	<u>301.2</u>
Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	Yes	\$75 90	<u>1301.2</u>
Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ³). Exception: An operational permit is not required for	Yes	\$75 90	<u>2901.3</u>

DESCRIPTION		PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
agricultural storage.				
Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.		Yes	\$75 90	3001.2
PERMIT AMOUNTS FOR COMPRESSED GASES				
TYPE OF GAS	AMOUNT (cubic feet at NTP)			
Corrosive	200			
Flammable (except cryogenic fluids and liquefied petroleum gases)	200			
Highly toxic	Any Amount			
Inert and simple asphyxiate	6,000			
Oxidizing (including oxygen)	504			
Pyrophoric	Any Amount			
Toxic	Any Amount			
For SI: 1 cubic foot = 0.02832 m ³				
Covered mall buildings. An operational permit is required for: <ol style="list-style-type: none"> 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid- or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall. 		Yes	\$75 90	Table 107.2
Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below. Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.		Yes	\$75 90	3201.2
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS				
TYPE OF CRYOGENIC FLUIDS	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)		
Flammable	More than 1	60		
Inert	60	500		

DESCRIPTION			PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
<u>Oxidizing (includes oxygen)</u>	<u>10</u>	<u>50</u>			
<u>Physical or health hazard not indicated above</u>	<u>Any Amount</u>	<u>Any Amount</u>			
For SI: 1 gallon = 3.785 L.					
Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.			Yes	\$75	<u>2601.2</u>
Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.			Yes	\$75 <u>90</u>	<u>1201.2</u>
Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.			Yes	\$75 <u>90</u>	<u>Table 107.2</u>
Explosives, ammunition and blasting agents: Storage, approved overnight Transportation, each vehicle (valid 6 months) Use, each blasting site or blasting location Firm or company license			Yes	\$75 <u>90</u> \$20 <u>24</u> \$50 <u>60</u> \$50 <u>60</u>	<u>3301.2</u> <u>3301.2</u> <u>3301.2</u> <u>3301.2</u>
Extremely Hazardous Substances (EHS)			Yes	\$500 <u>600</u>	<u>Table 107.2</u>
Fireworks Retailer and/or Wholesaler Private Display, not open to the public			Yes Yes	\$500 <u>600</u> \$600	<u>3301.2</u> <u>3301.2</u>
Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public. Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves. Permits or monitoring devices are issued through the respective water purveyor company.			No		
Fire Lane Plan Review (existing)			Yes	\$75 <u>95</u>	<u>Table 107.2</u>

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
<p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none"> 1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOT) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6). 2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition. 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days. 3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes. 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank. 7. To change the type of contents stored in a flammable or combustible liquid tank to a material, which poses a greater hazard than that for which the tank was designed and constructed. 8. To manufacture, process, blend or refine flammable or combustible liquids. 	Yes	\$75 90	3401.4
Floor finishing. An operational permit is required for floor	Yes	\$75 90	1501.2

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
finishing or surfacing operations exceeding 350 square feet (33 m ²) using Class I or Class II liquids.			
Fruit and crop ripening. An operational permit is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas	Yes	\$75 90	1601.2
Fumigation and thermal insecticide fogging. An operational permit is required to operate a business of fumigation or thermal insecticide fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.	Yes	\$75 90	1701.2

DESCRIPTION		PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.		Yes	\$500 600	2701.5
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS				
TYPE OF MATERIAL	AMOUNT			
Combustible liquids	See flammable and combustible liquids			
Corrosive materials				
Gases	See compressed gases			
Liquids	55 gallons			
Solids	1000 pounds			
Explosive materials	See explosives			
Flammable materials				
Gases	See compressed gases			
Liquids	See flammable and combustible liquids			
Solids	100 pounds			
Highly toxic materials				
Gases	See compressed gases			
Liquids	Any amount			
Solids	Any amount			
Oxidizing materials				
Gases	See compressed gases			
Liquids				
Class 4	Any amount			
Class 3	1 gallon ^a			
Class 2	10 gallons			
Class 1	55 gallons			
Solids				
Class 4	Any amount			
Class 3	10 pounds ^b			
Class 2	100 pounds			
Class 1	500 pounds			
Organic peroxides				
Gases	See compressed gases			
Liquids				
Class I	Any amount			
Class II	Any amount			
Class III	1 gallon			
Class IV	2 gallons			
Class V	No permit required			

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
Solids			
Class I	Any amount		
Class II	Any amount		
Class III	10 pounds		
Class IV	20 pounds		
Class V	No permit required		
Pyrophoric materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Toxic materials			
Gases	See compressed gases		
Liquids	10 gallons		
Solids	100 pounds		
Unstable (reactive) materials			
Liquids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	5 gallons		
Class 1	10 gallons		
Solids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	50 pounds		
Class 1	100 pounds		
Water-reactive materials			
Liquids			
Class 3	Any amount		
Class 2	5 gallons		
Class 1	55 gallons		
Solids			
Class 3	Any amount		
Class 2	50 pounds		
Class 1	500 pounds		
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.			
HPM facilities. An operational permit is required to store, handle or use hazardous production materials.	Yes	\$75 90	1801.5
High piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m ²).	Yes	\$75-90	Table 107.2

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
Hot work operations. An operational permit is required for hot work including, but not limited to: <ol style="list-style-type: none"> Public exhibitions and demonstrations where hot work is conducted. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. Fixed-site hot work equipment such as welding booths. Hot work conducted within a hazardous fire area. Application of roof coverings with the use of an open-flame device. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision. 	Yes	\$90	2601.2
Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.	Yes	\$75 90	2101.2
Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³).	Yes	\$75 90	1901.2
Liquid- or gas-fueled vehicles or equipment in assembly or mercantile buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly or mercantile buildings.	Yes	\$75 90	Table 107.2
LP-gas. An operational permit is required for: <ol style="list-style-type: none"> Storage and use of LP-gas. Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3. Operation of cargo tankers that transport LP-gas. 	Yes 0-499 gals 500+ gals	\$0 \$75 90	3801.2
Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	Yes	\$75 90	3601.2
Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m ³) gross volume	Yes	\$75 90	315.1

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.			
Open burning. An operational permit is required to operate a special incineration device as defined by the State Air Pollution Control Board.	Yes	\$100 <u>120</u>	<u>307.2</u>
Open flames and candles. An operational permit is required to remove paint with a torch; use a torch or open-flame device in a hazardous fire area; or to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	Yes Torches No Candles	\$75 <u>90</u>	<u>308.4.1</u>
Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	Yes	\$75 <u>90</u>	<u>2001.2</u>
Places of Assembly or Educational. An operational permit is required to operate a place of assembly or educational occupancy <u>with a rated occupancy greater than 49 persons.</u>	Yes	\$75 <u>90</u>	<u>Table 107.2</u>
Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.	No		
Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.	Yes	\$0 <u>90</u>	<u>Table 107.2</u>
Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	Yes	\$75 <u>90</u>	<u>4201.2</u>
Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	Yes	\$75 <u>90</u>	<u>601.2</u>
Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.	Yes	\$75 <u>90</u>	<u>2201.2</u>
Rooftop heliports. An operational permit is required for the operation of a rooftop heliport	Yes	\$75 <u>90</u>	<u>1101.3</u>
Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.	Yes	\$75 <u>90</u>	<u>1501.2</u>
Storage of scrap tires and tire byproducts. An	Yes	\$75 <u>90</u>	<u>2501.2</u>

DESCRIPTION	PERMIT REQUIRED (Yes or No)	PERMIT FEE	CODE REFERENCE
operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.			
Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 400 900 square feet or less, including all connecting areas or spaces with a common means of egress. 3. <u>Fabric canopies and awnings open on all sides which comply with all the following:</u> 3.1 <u>Individual canopies shall have a maximum size of 700 square feet (65m²).</u> 3.2 <u>The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65m²) total.</u> 3.3 <u>A minimum clearance of 12 feet (3658) to structures and other tents shall be provided.</u>	Yes	\$75 \$90	2403.4
Tent Event. An operational permit is required for an event with 20 tents of any size.	Yes	\$300 360 per every 20 tents	
Tire rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	Yes	\$75 90	Table 107.2
Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities	Yes	\$75 90	2501.2
Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).	Yes	\$75 90	Table 107.2

Note: Oxidizing materials:

- a. 20 gallons when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 200 pounds or less.

Definitions

Bonfire: An outdoor fire utilized for ceremonial purposes. Bonfires must consist of seasoned wood, piled neatly, no more than 5 feet in diameter by 5 feet in height and ignited with a small quantity of paper. Bonfires shall not burn longer than 3 hours. Any increase to the maximum size and duration of a bonfire ~~shall~~ may be approved by the Fire Marshal ~~and~~ based upon a determination that fire safety requirements of the situation and the desirable duration of burn warrant the increase. Bonfires shall not be utilized for waste disposal purposes.

Built up area: Any area with a substantial portion covered by industrial, commercial or residential buildings.

Campfire: An outdoor recreational fire, no larger than 3 feet in diameter by 2 feet in height and used for cooking purposes.

Clean lumber: Wood or wood products that have been cut or shaped and include wet, air dried and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained or pressure-treated.

Land Clearing Debris: Brush, stumps and other vegetation and similar matter generated from site clearing. This shall not include demolition materials, refuse or similar debris products from other sites.

Nuisance: Dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place. Smoke or odors that are created by the burning of materials may be considered a nuisance if it permeates surrounding buildings or does not readily dissipate due to atmospheric conditions.

Open Burning: Combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device or control of the products' emission.

Person: Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" appears in any section of this code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such section.

Virginia Forestry Fire Laws: State law pertaining to open burning, specifically Sections § 10.1-1135 through § 10.1-1161 of the Code of Virginia which mandate certain requirements and conditions for open burning.

Virginia State Air Pollution Control Board's Regulations Concerning Emissions Standards for Open Burning: (9 VAC 5-40-5600): Regulations promulgated under the authority of the Code of Virginia (§ 10.1-1308) that pertain to the abatement, control and prohibition of air pollution throughout or in any part of the Commonwealth.

Yard Waste: Grass, grass clippings, tree trimmings, bushes, shrubs and clippings from bushes and shrubs.

Chapter 3

General Precautions Against Fire

Section 307 Open Burning and Recreational Fires

Delete Statewide Fire Prevention Code 307.1 through 307.5.

307.1 Prohibited Open Burning

1. ~~During periods designated by the Virginia State Air Pollution Control Board (9VAC5 Chapter 40, Article 40) open burning is prohibited.~~ Between May 1 and September 30, open burning is prohibited. Exception: Campfires are allowed provided they are located no closer than 50 feet from a structure.

2. During periods designated by the Virginia Department of Forestry, open burning is restricted.

3. Burning of household trash, garbage, refuse, household waste, commercial waste, construction waste, combustible liquid, debris waste, hazardous waste, impregnated lumber, junk, rubber, plastics, stumps, tires, tar based materials, oil or petroleum based products, products of salvage operations, chemicals, animal carcasses and similar materials is prohibited.

4. Open burning of yard waste in urban or built up areas is prohibited.

5. Any other burning that creates a nuisance is prohibited.

6. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

307.2 Permitted Open Burning

1. Open burning is allowed as limited by this section unless prohibited by Section 307.1

2. Burning of yard waste in non-urban areas where materials are generated on site ~~and where street side trash service is not available for this purpose.~~ The burning may not be closer than 50 feet from a structure.

3. Agricultural burning, such as clearing of a field or fence row, for materials generated on site. The burning may be no closer than 50 feet from a structure and 1,000 feet from an occupied structure, unless prior permission has been given by the occupant and may not pose a hazard to highways and airfields.

4. Bonfires, located no closer than 50 feet from a structure.

5. Burning of product generated by land clearing operations ~~shall be~~ approved by the Fire Marshal and shall also comply with provisions of the Virginia State Air Pollution Control Board (~~9VAC5 Chapter 40, Article 40~~ 9 VAC 5-40-5600) and shall not be within 1,000 from an occupied structure.

6. Warming barrels containing clean lumber at a construction site, as approved by the Fire Marshal. Such burning shall be contained within a barrel or similar container, be covered or screened to prevent flying embers and may be no closer than 15 feet from a structure.

7. Campfires located no closer than 50 feet from a structure,

1 8. Burning that is approved through the Virginia State Air Pollution Control Board regional
2 director for the purpose of training firefighting resources. Exception: Training schools
3 having permanent facilities for firefighting instruction are not required to obtain approval.
4 9. Other open burning as approved by the Fire Marshal as needed for public safety, abatement
5 of hazard, destruction of pests or other common good.

6
7 307.3 Attendance

8 Allowable open burning, to include bonfires or recreational fires shall be constantly attended
9 by responsible, competent persons over the age of 18 years old as may be necessary to contain
10 the fire until the fire is extinguished. A minimum of one portable fire extinguisher with a
11 minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt,
12 sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

13
14 307.4 Notification. Notification to the Loudoun County Emergency Communications Center
15 is required prior to and at the conclusion of any allowable open burning event permitted under
16 this section.

17 Exception: Campfires.

18
19 307.5 Extinguishment. The Fire Marshal shall order extinguishment, either by the responsible
20 party or local firefighting resources of any open burning which violates the provisions of this
21 section or otherwise creates a nuisance.

22
23 307. 6 Grills: Open flame grills, hibachis, gas grills, manufactured fireplaces or firepits, etc.,
24 shall not be utilized within 15 feet of any apartment(s), apartment building(s),
25 condominium(s), commercial business, health care facilities, housing for the aged or housing
26 for the physically and/or mentally impaired.

27
28 Exception:

29 One and two-family dwellings.
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Chapter 4

Emergency Planning and Preparedness

408.3.5 Posting Egress Plans: All classrooms, libraries, laboratories and other areas of public access within an educational occupancy shall be posted with evacuation plans in a conspicuous area of each room.

Chapter 5
Fire Service Features

503.1 Exemptions: 1(a). Fire Apparatus Access Roads, to include Fire Lanes, shall be designed in accordance with the Loudoun County Facilities Standards Manual.

503.4.1 Enforcement: Any violations of Section 503.4 shall be enforced by the Fire Marshal or ~~his/her~~ designated representative; any authorized law enforcement officer or any law enforcement official of Loudoun County under Chapter 486, of the Codified Ordinances of the County.

505.1 Addressing of Premises: Addressing of premises shall be in accordance with Chapter 1026 of the Codified Ordinances of Loudoun County.

507.5.3.1 ~~508.5.2.3~~ Rural fire protection. Features such as dry hydrants, underground water storage tanks and related water supply accessories shall be maintained by the owner according to the conditions of acceptance.

Chapter 9
Fire Protection Systems

901.10 901-9: Misuse of 9-1-1 system: No person shall use a prerecorded message transmitted directly to a "9-1-1" telephone number, nor shall any person install, operate or maintain an automatic dialing device which is programmed to transmit a prerecorded message or code signal directly to a "9-1-1" telephone number.

Chapter 24

Tents and Other Membrane Structures

2403.4.1 No vendor or other person shall erect a tent without first having applied for a permit.

Chapter 33
Explosives and Fireworks

3301.2.3.2 Applicant Restrictions: No person, corporation or other entity, having been convicted of a violation under this Chapter shall be eligible to obtain a permit for the display or sale of fireworks, or participate in any manner in the transportation, sale, or display of fireworks for period of five (5) years from the date of conviction.

3301.2.4.1-4 Insurance for Blasting: The minimum amount of a certificate of insurance shall not be less than \$52,000,000 (~~five~~ two million dollars). This certificate of insurance shall further indemnify the County of Loudoun, its agents and employees from any and all actions which may result from the permitted blasting.

3301.2.4.23 Insurance for fireworks display: The applicant for a permit shall furnish a certificate of insurance in the amount of five ~~two~~ million dollars (\$52,000,000). This certificate of insurance shall further indemnify the County of Loudoun, named as an additional insured, its agents and employees from any and all actions which may result from the permitted display.

3301.1.3 Exception 4: The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks listed as permissible.

3301.9: Transportation: The transportation of explosive materials shall comply with applicable provisions of this Chapter and the regulations governing the transportation of hazardous materials as promulgated by the Virginia Waste Management Board.

3301.9.1 Vehicle prohibitions: The attachment of any type of trailer behind a truck, a tractor/semi-trailer or truck full-trailer combination for transporting explosive is prohibited.

3301.9.2 Vehicle restrictions: Vehicles containing explosives shall not be taken into a garage or repair shop for repairs or storage.

3301.9.3 Vehicle contents: Only explosives and related material authorized by the applicable provisions of Title 49 of the Code of Federal Regulations listed in Appendix A shall be carried in the body of an explosive transport vehicle.

3301.9.4 Emergency conditions: The Department of Fire, Rescue and Emergency Management and the Office of the Loudoun County Sheriff shall be promptly notified when a vehicle transporting explosives is involved in an accident, breaks down, or catches fire. Only in the event of such an emergency shall the transfer of explosives from one vehicle to another be allowed on highways within the County and only when qualified supervision is provided. Except in such an emergency, a vehicle transporting explosives shall not be parked, before reaching its destination, on highways within the

jurisdiction or adjacent to or in proximity to any school, hospital, bridge, tunnel, dwelling, building or place where people work congregate or assemble.

3301.9.5 Drivers: Vehicles transporting explosives shall be in the custody of drivers who possess a valid driver's license with proper endorsements. Such drivers shall be familiar with all State and County traffic regulations and all provisions of this Article governing the transporting of explosives.

3301.9.6 Enforcement: The Fire Marshal may enforce the regulations contained herein pertaining to the intra-County transportation of explosives.

3301.9.7 All "bulk" explosive transport vehicles shall have in working order, a metering device to accurately measure the amount of explosives or blasting agents being expelled from the vehicle.

3302.1 Definitions; Fireworks; Permissible Fireworks. Those 1.4G fireworks that have been approved through testing or other means and published as such in an annual list by the Fire Marshal.

3308.2.3 Permits for the display of fireworks or other pyrotechnic effects shall be applied for not less than thirty (30) days prior to the date of the display.

3308.3.1 ~~Exception:~~ Fireworks or other pyrotechnic effects displays shall not be approved for use in an inhabited building.

~~3308.11 Retail display and sales. Fireworks displayed for retail sale shall not be made readily accessible to the public. A representative from the store shall monitor the display of the~~
approved ("permissible") fireworks to prevent maliciously tampering, attempting to ignite, or underage accessibility. This store representative may have other duties or assignments in the immediate area of the approved fireworks but may not be a cashier.

A store security video system shall monitor the fireworks display during business hours. In times when the store representative's attention is focused on other duties and cannot monitor the display of fireworks, the store security video system shall be continuously monitored by store personnel. This temporary unattended option shall be utilized no longer than 10 minutes per hour while the store is open to the public. If unable to comply with this procedure the display of fireworks must be constantly supervised by a competent person and safeguarded behind an approved physical barrier that prevents tampering or access by unauthorized persons. In sprinklered buildings, the maximum permitted quantity of fireworks shall not exceed 250 pounds net weight of pyrotechnic composition of the total quantity of fireworks in the building, including retail display samples. Where pyrotechnic composition is not known 25 percent gross weight of the fireworks including packaging shall be used as the maximum permitted quantity.

In non-sprinklered buildings, the maximum permitted quantity of fireworks shall not exceed 125 pounds net weight of pyrotechnic composition of the total quantity of fireworks in the

1 building including retail display samples. Where the net weight of the pyrotechnic
2 composition of the fireworks is not known, 25 percent of the gross weight of the fireworks
3 including packaging shall be used as the maximum permitted quantity.

4 A minimum of one pressurized water portable fire extinguisher complying with Section 906
5 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from
6 the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted
7 in areas where fireworks are stored or displayed for retail sale. All structure outlets, whether
8 temporary or permanent, used for the sale or display of fireworks, must be inspected by the
9 Fire Marshal or his/her designated representative prior to the sale or display of fireworks. All
10 necessary business licenses, zoning approvals and other permits must be available at the time
11 of this inspection. Location of a temporary retail sale location shall be approved by the Fire
12 Marshal.

13
14 3308.11.1 Dates of sale: Approved permissible fireworks may be sold in Loudoun County
15 from June 15 through July-6 15 each year, and from December 15 through January 6,
16 provided that the authorized vendor has acquired the appropriate Loudoun County permits,
17 licenses and inspections. Permits for the sale of permissible fireworks shall be applied for not
18 later than ~~June 15th~~ 30 days prior to the beginning of each sales period.

19
20 3308.11.2 Additional inspections: The owner or his/her designated agent, of any temporary
21 structure used for the sale or display of fireworks, if provided with electricity from any source,
22 shall provide proof of a satisfactory electrical inspection prior to the sale, display or storage of
23 fireworks. This inspection shall be required each time the temporary structure is moved,
24 assembled or reconfigured in any manner.

25
26 3308.11.3 Insurance for sale of fireworks. The permit holder shall furnish a certificate of
27 insurance in the amount of \$52,000,000 (five two million dollars). This certificate of
28 insurance shall further indemnify the County of Loudoun, its agents and employees from any
29 and all actions which may result from the permitted sale.

30
31 3308.11.4 Seizure of fireworks: The Fire Marshal shall seize, take, remove or cause to be
32 removed at the expense of the owner, all stocks of fireworks that are offered, exposed or
33 stored for display or sale that are in violation of this Chapter. This seizure shall include any
34 approved fireworks which may be found with those fireworks which are in violation, Seized
35 fireworks shall be held until any criminal charges arising from these violations have been
36 adjudicated.

37
38 3308.11.5 Disposal of seized fireworks: If a judgment of conviction be entered, the court shall
39 determine whether fireworks not prohibited by the Loudoun County Fire Prevention Code or
40 otherwise restricted by this Chapter are to be returned to the owner or disposed of in a manner
41 approved by the Fire Marshal upon expiration of the time allowed for an appeal for such
42 conviction. Prohibited or otherwise restricted fireworks shall be disposed of in a manner
43 approved by the Fire Marshal. Where no criminal charges are instituted, seized fireworks

1 shall be disposed of in a manner approved by the code official after a period of thirty (30)
2 days.

3 ~~3309.1 Minimum age of sales personnel: No person under the age of eighteen (18) years shall~~
4 ~~be allowed to sell fireworks.~~

5
6 ~~3309.2 Sales to Minors: It shall be unlawful to sell any firework to any person under the age~~
7 ~~of eighteen (18) unless accompanied by a parent, legal guardian or other competent adult.~~

8
9 3310.1 Unlawful activities: Except as hereinafter provided, it shall be unlawful for any
10 person, firm or corporation to transport, manufacture, store, possess, sell, offer for sale,
11 expose for sale or to buy, use, ignite or explode any firecracker, torpedo, skyrocket, or other
12 substance or thing that contains any explosive or inflammable compound or substance, and
13 which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than
14 sparks or those fireworks excepted under the provision of those listed in 3310.2.

15
16 3310.1.1 Enforcement: The Fire Marshal or any law-enforcement officer may enforce the
17 regulations contained herein pertaining to the unlawful transport, manufacture, storage,
18 possession, sale, purchase or use of unlawful fireworks.

19
20 3310.1.2 Seizure and destruction of certain fireworks.

21 Any law-enforcement officer is authorized to seize any article of fireworks as defined by
22 3310.1 in the possession or under the control of a person.

23
24 3310.2 Permissible fireworks: The provisions of 3310.1 shall not apply to fireworks, which
25 have been approved by the Fire Marshal's Office.

26
27 3310.3 Approval of permissible fireworks: Persons, firms or corporations engaged in the
28 selling or offering for sale fireworks at retail establishments shall sell only fireworks approved
29 by the Fire Marshal.

30
31 3310.4 Approval of fireworks assortments: Pre-packaged fireworks assortments shall bear a
32 label listing the contents of said assortment showing the trade name, manufacturers and
33 individual item number of each item included. Assortments not so labeled or containing
34 individual items that have not been approved shall not be approved for sale.

35
36 3310.5 All vehicles transporting fireworks classified by DOT as 1.3 display fireworks, shall
37 comply with 3301.9.

38
39 3311.1 Minimum age of sales personnel: No person under the age of eighteen (18) years shall
40 be allowed to sell fireworks.

41
42 3311.2 Sales to Minors: It shall be unlawful to sell any firework to any person under the age
43 of eighteen (18) unless accompanied by a parent, legal guardian or other competent adult.
44

3801.2.2 Revocation of Permit. In the event that a valid permit is revoked, the distributor shall within twenty-four (24) hours of notification remove all LP-gas containers from the site. The Fire Marshal is authorized to have such cylinders removed by any distributor and as no cost to the government if proper action is not taken within the prescribed timeframe. Notification for the purpose of this section shall be satisfied by a telephone call to the main business or emergency contact number for the distributor.

3809.12. Location of storage outside of buildings. Storage outside of buildings, for containers awaiting use, resale or part of a cylinder exchange program shall be located not less than 10 feet (3048 mm) from openings into buildings, 20 feet (6096 mm) from any motor vehicle fuel dispenser, 10 feet (3048 mm) from any combustible material, 5 feet from any lot line or public way, and in accordance with Table 3809.12.

TABLE 3809.12 LOCATION OF CONTAINERS AWAITING USE OR RESALE STORED OUTSIDE OF BUILDINGS		
Quantity of LP-Gas Stored	Distances to a Building or Group of Buildings (feet)	Distance to a Property Lot Line or Public Way
2500 pounds or less	0	5
2,501 to 6,000 pounds	10	10
6,001 to 10,000 pounds	20	20
Over 10,000 pounds	25	25

For 2L 1 foot 304.8 mm, 1 pound = 0.454 kg.

3809.16 Quantity limitations. Quantities of nominal 50lb cylinders in cylinder exchange locations shall not exceed 75 cylinders. Used returned cylinders shall be counted and stored in the same manner as full cylinders.

Chapter 38
Liquid Petroleum Gases

3801.2.2 Revocation of Permit. In the event that a valid permit is revoked, the distributor shall within twenty-four (24) hours of notification remove all LP-gas containers from the site. The Fire Marshal is authorized to have such cylinders removed by any distributor and at no cost to the government if proper action is not taken within the prescribed timeframe. Notification for the purpose of this section shall be satisfied by a telephone call to the main business or emergency contact number for the distributor.

3809.12. Location of storage outside of buildings. Storage outside of buildings, for containers awaiting use, resale or part of a cylinder exchange program shall be located not less than 10 feet (3048 mm) from openings into buildings, 20 feet (6096 mm) from any motor vehicle fuel dispenser, 10 feet (3048 mm) from any combustible material, 5 feet from any lot line or public way, and in accordance with Table 3809.12.

TABLE 3809.12 LOCATION OF CONTAINERS AWAITING USE OR RESALE STORED OUTSIDE OF BUILDINGS		
Quantity of LP-Gas Stored	Distances to a Building or Group of Buildings (feet)	Distance to a Property Lot Line or Public Way
2500 pounds or less	0	5
2,501 to 6,000 pounds	10	10
6,001 to 10,000 pounds	20	20
Over 10,000 pounds	25	25

For SI: 1 foot: 304.8 mm, 1 pound = 0.454 kg.

3809.16 Quantity limitations. Quantities of nominal 20lb cylinders in cylinder exchange locations shall not exceed 72 cylinders. Used returned cylinders shall be counted and stored in the same manner as full cylinders.